

REMARKS

Applicants reply to the Office Action mailed November 1, 2007 within three-months. Claims 1-24 were pending in the application and the Examiner rejects claims 1-24. Claims 1-24 have been canceled without prejudice to filing one or more claims having similar subject matter. New claims 25-46 have been added, including new independent claims 25, 34, and 46. Applicants submit that no new matter has been introduced with these new claims. Claims 25-46 are now currently pending in the application, and Applicants respectfully request reconsideration of this application.

Information Disclosure Statements

The Examiner stated that the “IDS filed on 10/04/2007 and 03/28/2004 cannot be considered because no references have been provided [in the] parent applications” (Office Action page 2). Applicants respectfully submit, as discussed with the Examiner on 1/9/2008, that the IDS not accepted by the Examiner were actually those IDS received by the Office on 10/4/2004 and 3/28/2005.

As discussed with the Examiner on 1/9/2008, with respect to the IDS received on 3/28/2005, the cited references were previously cited in an IDS in the parent application (Ser. No. 10/192,488) received by the Office on 1/6/2005. Additionally, with respect to the IDS received on 10/4/2004, the cited references were all previously cited in various IDS in the parent ‘488 application which were received by the Office on 2/10/2003, 11/26/2003, 1/12/2004 3/19/2004, and 1/6/2005. Applicants therefore respectfully request that the Examiner consider all the references cited in the two IDS received by the Office on 10/4/2004 and 3/28/2005.

Of the foreign patent documents and non-patent literature in the above-referenced IDS, Applicants are aware of two references for which copies may not be present in the file of the parent ‘488 application: EP 1,016,947 and PCT WO 02/097575. Applicants have therefore submitted with this Reply copies of these two foreign patent documents and respectfully request that the Examiner consider these references.

Drawing

Applicants thank the Examiner for noting that the Drawing filed on 9/28/2004 is accepted by the Examiner.

Section 112 Rejections

The Examiner rejects claims 2-22 and 24 for insufficient antecedent basis under 35 U.S.C. § 112, second paragraph. Applicants have cancelled claims 2-22 and 24 rendering these rejections moot, and Applicants thus respectfully request withdrawal of these rejections.

Section 102(e) Rejections

The Examiner rejects claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Rau et al., U.S. Patent Application Pub. No. 2006/0178937 (“Rau”). Applicants respectfully disagree with these rejections but have presented new claims 25-46 in order to clarify the patentable aspects of the claims and to expedite prosecution. Furthermore, Applicants do not concede that Rau is indeed prior art with respect to this application and Applicants reserve the option to antedate Rau.

Rau discloses that “account table 112 may be or include, for instance, an indication of an account number, balance, limit and other information for a debit account, a cash account, a transaction account account, special premises account for internal use such as by employees, or other account information associated with users of the system” (¶ [0012]; emphasis added). Applicants respectfully submit that Rau does not disclose “repeatedly receiving a merchant registry file comprising a plurality of customer records, individual of the customer records comprising an account number and a merchant transaction code associated with the account number,” (emphasis added) as recited in new independent claim 34. Furthermore, Rau does not disclose “modifying the merchant system registry file by appending a merchant transaction code to at least one of the plurality of transaction account records,” (emphasis added) as recited in new independent claim 25. Moreover, Rau does not disclose “receiving a maintenance file comprising at least one provider-changed account number and a provider transaction code associated with the at least one provider-changed account number,” (emphasis added) as recited in new independent claim 46.

Additionally, Rau discloses only one “account table” in each disclosed embodiment: “[i]n this embodiment, transponder 102 may also store an account table 112 directly recording account information for the subscribed user of the transponder 102” (¶ [0012]); and “in the embodiment of FIG. 2 a portion or all of account table or other information stored in transponder 102 in the first embodiment may be offloaded . . . in this embodiment, part or all of the information of account table 112 may be stored in hard disk or other storage of transaction server 116”

(¶¶ [0021]-[0022]). Therefore, Applicants respectfully submit that Rau does not disclose “A method of maintaining a merchant system registry file on a merchant system, comprising: associating a plurality of transaction account records with a plurality of recurring billing account records, wherein . . . the plurality of recurring billing account records are part of a billing database . . . [and] modifying the merchant system registry file in accordance with a summary report from the provider system,” (emphasis added) as recited in new independent claim 25. Rau also does not disclose “A method for updating a merchant database on a provider server, comprising: repeatedly receiving a merchant registry file” (emphasis added) as recited in new independent claim 34. Similarly, Rau does not disclose, “A method for processing a recurring billing transaction at a merchant system, comprising . . . retrieving a recurring billing record associated with the account code from a registry file . . . receiving a maintenance file . . . and updating the registry file,” (emphasis added) as recited in new independent claim 46.

Furthermore, Applicants respectfully submit that Rau does not disclose “the plurality of recurring billing account records are part of a billing database” (new independent claim 25; emphasis added), “repeatedly submitting the recurring billing amounts to a provider system for payment processing” (new independent claim 25; emphasis added), or “repeatedly processing a recurring bill associated with the recurring billing record” (new independent claim 45; emphasis added). Rather, Rau only discloses that “a user who has subscribed to the account system of the invention may approach the receiver 106 at the point of sale device 108 to initiate and complete a purchase or other transaction, such as at a restaurant or grocery market checkout line” (¶ [0012]; emphasis added).

For at least these reasons, Applicants respectfully submit that new independent claims 25, 34, and 46 are allowable over the cited reference.

Dependent claims 24-33 and 35-45 variously depend from independent claims 25 and 34, so dependent claims 24-33 and 35-45 are allowable over the cited references for the reasons set forth above, in addition to their own unique features.

Statement Regarding Parent Applications

The claims of the present application are different and possibly broader than the claims pursued in the parent applications. To the extent any prior amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicants hereby rescind and retract such disclaimer.

Accordingly, the references previously construed in the parent applications may need to be revisited.

Conclusion

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited reference. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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